

REMARKS

Claims 1-13, 15-25, and 145-221 are currently pending.

Claim 14 has been cancelled without prejudice to the filing of continuing applications, as being directed towards non-elected subject matter.

Claim 181 has been amended to remove "N-((1S,2R)-1-benzyl-2-hydroxy-3-[(3-methoxybenzyl)amino]propyl)-1-butyl-1H-indole-5-carboxamide," without prejudice to the filing of continuing applications, as being directed towards non-elected subject matter.

Claim 181 has also been amended by removing an extra "[" from the beginning of "N¹-((1S,2R)-1-(3,5-difluorobenzyl)-2-hydroxy-3-[(2S)-tetrahydro-2-furanyl methyl]amino}propyl)-5-methyl-N³,N³-dipropylisophthalamide."

Furthermore, minor typographical errors were also corrected. No new matter has been added by these amendments.

Provisional Double Patenting Rejection

The pending claims stand provisionally rejected as representing obviousness-type double patenting in view of U.S. Application No. 09/895,871 ("the '871 application"), which claims different diastereomeric compounds. Although Applicants do not agree that the instant claims represent obviousness-type double patenting, Applicants request that the instant application be allowed pursuant to section 804(I)(b) of the MPEP (8th edition incorporating revision No. 1). That section of the MPEP notes that if the only rejection in the office action is a provisional double patenting rejection, as is currently the case, the provisional double patenting rejection should be withdrawn and the case should be allowed. Thus, the provisional

double patenting rejection in this application should be withdrawn.

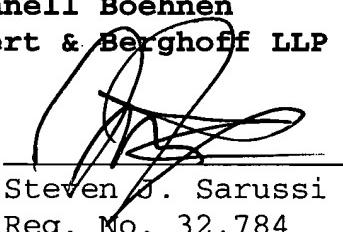
Applicants note that the '871 application stands rejected in view of references that have apparently not been cited in this application. Applicants enclose herewith an Information Disclosure Statement and a Form PTO 1449 citing the U.S. Patents that correspond to the Chemical Abstracts citations on which the rejection in the '871 application is based.

The Applicants urge the Examiner to contact the Applicants' undersigned representative at (312) 913-2114 if he believes that this would expedite prosecution of this application.

Respectfully submitted,

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